

The undersigned attorney would like to again thank the Examiner for his time during the July 22, 2003 telephone interview.

As discussed during the telephone interview, the present invention is an advance in the art of customer service after a customer decides he or she no longer wants to be a customer of a respective company, i.e., after taking the necessary step(s) to close an associated account. Appreciating that utilizing customer service representatives is expensive for a company and that navigating through numerous menus of a response unit can be time-consuming and unsatisfying for a customer, the present invention automatically provides to identified customers a reason why an account has not yet been closed through a response unit associated with the company.

In the Office Action mailed May 8, 2003, claims 1, 3, 4, 13 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,339,766 ("Gephart") in view of U.S. Pat. No. 6,315,196 ("Bachman") and U.S. Pat. No. 4,885,685 ("Wolfberg et al."). For at least the reasons set forth below, Applicant respectfully traverses the rejection of claims 1, 3, 4, 13 and 14.

Applicant respectfully submits that Gephart, Bachman and Wolfberg et al., alone or in combination, do not teach or suggest at least the following:

- "automatically providing from the retrieved status information a reason why the account has not been closed if the account is determined to be closed", as recited in independent claim 1.

In the Office Action and during the telephone interview, the Examiner relied on Bachman (Col. 7, ln. 63 to Col. 8, ln. 16) and Wolfberg et al. (Col. 26, ln. 66 to Col. 27, ln. 15) for disclosing the above limitation. As stated during the telephone interview, Applicant respectfully disagrees.

Bachman relates to a credit protection program associated with an account, enrollment in which by a cardmember may be declined or a cardmember may decide to cancel enrollment in the program. In Bachman, "if the cardmember's enrollment is declined ... [a] message is automatically generated to the cardmember" via letter. (Col. 7, ln. 67 to Col. 8, ln. 2). Further, if a cardmember cancels enrollment, "the administrator ... receives and processes the request and automatically generates 'cancelled by cardmember' message ... to the cardmember ...." (Col. 9, lns. 42-45). Indeed, in Bachman, the cardmember retains the account, but simply cancels enrollment in a program associated with the account. Applicant respectfully submits that Bachman is devoid of any teaching or suggestion of "automatically providing ... a reason why the account has not been closed if the account is determined to be closed", as recited in independent

[NYC] 406053.2

claim 1. (Emphasis added). In fact, Bachman does not disclose providing a cardmember any customer service after deciding to cancel enrollment in the program. For instance, Bachman does not even mention a cancellation request being held-up for any reason and therefore does not teach automatically providing the cardmember a reason why enrollment has not yet been cancelled. In Bachman, cancellation simply occurs and the cardmember is notified accordingly.

Similarly, Applicant respectfully submits that Wolfberg et al. also does not teach, or even suggest, the above limitation in claim 1. Wolfberg et al. relates to "a data processing system which manages and monitors participant's air travel use over time while tracking and monitoring the growth of a participant's investment base which varies as a function of travel use". (Col. 1, lns. 10-14). The relied on portion of Wolfberg et al. discloses "a check [being] made to determine whether the client has requested the account to be closed". If so "a check is made to determine whether the client is in the penalty zone". If the client is in the penalty zone, a deduction is made, a control status word is set and a message is written indicating that the account is closed. (Col. 26, ln. 67 to Col. 27, ln. 10).

Applicant respectfully submits that Wolfberg et al. is also lacking any teaching or suggestion of "automatically providing ...

a reason why the account has not been closed if the account is determined to be closed", as recited in independent claim 1. (Emphasis added). Like Bachman, Wolfberg et al. does not disclose providing the client any customer service after requesting that the account be closed and hence does not describe providing a reason why the account has not yet been closed.

Accordingly, Applicant respectfully submits that independent claim 1 is patentable over Gephart in view of Bachman and Wolfberg et al. for at least the reasons set forth above.

Claims 2, 4, 13 and 14 depend from and further limit claim 1 and for at least the reasons stated above in connection with claim 1 are believed to be patentable over Gephart in view of Bachman and Wolfberg et al.

Claims 2, 6-12 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gephart as modified by Bachman and Wolfberg et al. as applied to claim 1, and in further view of U.S. Pat. No. 5,878,337 ("Joao").

Claims 1 and 6-12 depend from and further limit claim 1 and for at least the reasons stated above in connection with claim 1 are believed to be patentable over Gephart as modified as Bachman and Wolfberg et al. and further in view of Joao. Also, Applicant respectfully notes that claim 16 has been allowed.

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gephart as modified by Bachman and Wolfberg et al. and Joao as applied to claim 1, and in further view of U.S. Pat. No. 5,724,523 ("Longfield").

Claim 5 depends from and further limits claim 1 and for at least the reasons stated above in connection with claim 1 is believed to be patentable over Gephart as modified by Bachman and Wolfberg et al. and Joao and further in view of Longfield.

Claims 21-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bachman in view of Gephart and Joao and Longfield.

Applicant respectfully submits that the Office Action does not address each claim limitation in independent claims 21, 28, and 29, but instead summarily rejects those claims. For instance, Bachman, Gephart, Joao and Longfield, alone or in combination, were not applied to at least the following two elements of independent claim 21:

- "determining from the retrieved status information whether the account has been closed, and if the account has not been closed, ... whether a security deposit will be or was applied to the account"; and
- "determining a date the security deposit will be applied to the account if it was determined that the security deposit was not applied to the account".

Further, numerous limitations in independent claims 27-29 were not addressed in the Office Action. Applicant is also uncertain which cited reference or combination of references the Office Action is relying on for each limitation. Accordingly, Applicant respectfully requests that the Examiner specifically address each limitation in these independent claims and exactly which reference or combination of references are the basis for the rejection.

In any event, Applicant respectfully submits that independent claims 21, 27, 28 and 29 are patentable over the cited art for at least the reasons set forth above. Specifically, Bachman, Gephar, Joao and Longfield, alone or in combination, do not teach or suggest automatically providing a voice message to a caller that indicates a reason why an account has not yet been closed.

#### Allowable Subject Matter

In the Office Action, claims 15-20 were allowed because "[t]he prior art does not show in singularly or in combination ... the determination unit further operable to determine whether the account is coded to close from the retrieved status information, and to automatically provide through the response unit a message indicating a reason why the account has not been closed if the account is determined to be coded to close". (Emphasis added in

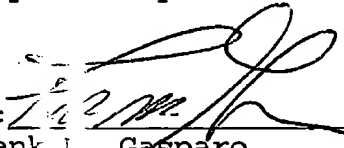
Office Action). During the telephone interview, however, the Examiner expressed some hesitancy in having allowed these claims. If the Examiner changes his mind, Applicant respectfully requests that the Examiner provide detailed reasoning for such a change and that the Examiner provide Applicant an opportunity to respond to such a decision by the Examiner. See M.P.E.P. 706.04.

This communication is believed to be fully responsive to the Office Action and every effort has been made to place the application in condition for allowance. The claims, in view of the foregoing explanation, are believed to be patentable over the cited art, and a favorable Office Action is hereby earnestly solicited.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Examiner is requested to telephone the number provided below.

Date: August 8, 2003

Respectfully submitted,

By:   
Frank L. Gasparo  
Registration No. 44,700  
Baker & McKenzie  
805 Third Avenue  
New York, NY 10022  
Telephone (212) 751-5700  
Facsimile (212) 759-9133

FAX RECEIVED

AUG 12 2003

GROUP 3600

[NYC] 406053.2

8

OFFICIAL